UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,016	02/04/2000	Edward Balassanian	3802-4001	8210

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EXAMINER
WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Jan 10, 2003* _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *143-185* _____ is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *143-185* _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some* c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 143, 151, 156, 163, 174, 179-185 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lazaridis et al. with Patent Number 6,463,464 in view of Wiley et al. with

Patent Number 5,687,320.

3.   Regarding claim(s) 143, 151, 156, 163, 174, 179, 183, Lazaridis teaches data transfer and

discovery. Lazaridis teaches source and destination appliances, col. 5, lines 45-48. Lazaridis

teaches source data types for a destinations appliance, col. 7, lines 1-8. Lazaridis teaches pushing

data to a destination appliance from a 3rd device, col. 6, lines 63-66. Lazaridis teaches a data

header with address and data type code to be sent to a destination, col. 7, lines 64-67. Lazaridis

teaches sending the data to a destination that converts the data to a usable form, col. 8, lines 47-

49. Lazaridis teaches the invention in the above claim(s) except for explicitly teaching legacy

device presence notification. In that Lazaridis operates to transfer data in a computer network,

the artisan would have looked to the network communication arts for details of implementing

data transfer based on data type. In that art, Wiley, a related network communication system,

teaches "allowing a network resource to be discovered on a network", col. 1, lines 6-7 in order to

provide diverse communication capabilities. Wiley specifically teaches "network nodes can

announce themselves to all servers on a network", col. 1, lines 47-48. Further, Wiley suggests

"network administration functions include ... information regarding the existence of other

devices", col. 1, lines 16-18 which will result from implementing his communication system.

The motivation to incorporate device notification insures all device can communicate. Thus, it

would have been obvious to one of ordinary skill in the art to incorporate device notification as

taught in Wiley into the communication system described in Lazaridis because Lazaridis operates

with new mobile devices and Wiley suggests that optimization can be obtained by using well

known device notification methods. Therefore, by the above rational, the above claims are

rejected.

4.   Regarding claim(s) 180-181, 184-185, Lazaridis teaches source and destination resources

identified, col. 7, lines 7-9. Lazaridis teaches a remote device requesting data to be sent to a

destination appliance from a source device, col. 10, lines 5-8. Thus, the above claim limitations

are obvious in view of the combination.

5.   Regarding claim(s) 182, Lazaridis teaches a table of destination resources identified, col.

10, lines 52-53. Thus, the above claim limitations are obvious in view of the combination.

6.   Claims 144-150, 152-155, 157-162, 164-173, 175-178 are rejected under 35

U.S.C. 103(a) as being unpatentable over Lazaridis et al. with Patent Number 6,463,464 and

Wiley et al. with Patent Number 5,687,320 in view of Chang et al. with Patent Number

5,974,449.

7.   Regarding claim(s) 144-146, 157-159, 165-167, Lazaridis-Wiley teaches data transfer and

discovery. Lazaridis-Wiley teaches the invention in the above claim(s) except for explicitly

teaching mapping and tables. In that Lazaridis-Wiley operates to transfer data in a computer

network, the artisan would have looked to the network communication arts for details of

implementing data transfer based on lookup tables. In that art, Chang, a related network

communication system, teaches an "invention provides Messaging between disparate Messaging

interfaces that may employ different Messaging formats", col. 3, lines 66-67 in order to provide

diverse communication capabilities. Change teaches mapping and tables, col. 6, lines 66-1.

Further, Chang suggests that "the unique user name and mailbox ID assigned to a subscriber",

col. 6, lines 4-5 and the "system provides notification to an intended recipient using the delivery

notification, and presents the processed message having a content format of a second type to the

intended recipient", col. 4, lines 21-24 will result from implementing his communication system.

The motivation to incorporate device tables insures that a recipient is informed of the devices for

easier processing and conversion. Thus, it would have been obvious to one of ordinary skill in

the art to incorporate the tables as taught in Chang into the communication system described in

Lazaridis-Wiley because Lazaridis-Wiley operates with numerous devices and Chang suggests

that optimization can be obtained by using tables. Therefore, by the above rational, the above

claims are rejected.

8.   Regarding claims 147, 152, 160, 168, Change teaches destination content types, col. 3-4,

lines 34-36. Thus, the above claim limitations are obvious in view of the combination.

9.   Regarding claims 148, 153, 161, 169, 175, Chang teaches an ID for the recipient resource,

col. 7, lines 34-39. Thus, the above claim limitations are obvious in view of the combination.

10.   Regarding claims 149, 155, 162, 164, 170, 173, 176, Chang teaches converting data

before sending the data, col. 7, lines 41-47. Thus, the above claim limitations are obvious in

view of the combination.

11.   Regarding claims 150, 154, 171, 177, Chang teaches using multiplexing with data

conversion, col. 11, lines 24-25. Thus, the above claim limitations are obvious in view of the

combination.

12.   Regarding claims 172, 178, Chang teaches conversion at an intermediate interface, col. 5,

lines 33-35. Thus, the above claim limitations are obvious in view of the combination.

Response to Amendment

13.   The broad claim language used is interpreted on its face and based on this interpretation

the claims have been rejected.

14.   The limited structure claimed, without more functional language, reads on the references

provided. The limited structure claimed, without more functional language, reads on the

references provided. Thus, Applicant's arguments can not be held as persuasive regarding

patentability.

15.   Applicant suggests the references do not teach "header", Paper No. 13, Page 14, lines 10-

11. Every piece of data sent through layers 2-7 in a computer network has a header with an

address and data type, the communication channel was usually was set up in advance Thus,

Applicant's arguments can not be held as persuasive regarding patentability.

Conclusion

16.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure is disclosed in the Notice of References Cited.. The other references cited teach

numerous other ways to push data to and by 3rd party devices, but with added value, thus a close
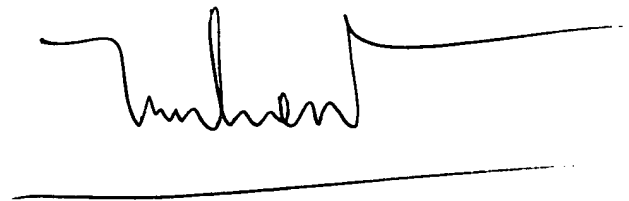
review of them is suggested.

17.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner

can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

18.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley, can be reached on (703) 308-5221. The fax phone number for the

organization where this application or proceeding is assigned is (703) 746-7239.

19.   Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-9605.

sfw

February 6, 2003

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PRIMARY EXAMINER